

113TH CONGRESS  
1ST SESSION

# S. 1020

To improve energy performance in Federal buildings, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 22, 2013

Mr. HOEVEN (for himself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To improve energy performance in Federal buildings, and  
for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “All-Of-The-Above Fed-  
5 eral Building Energy Conservation Act of 2013”.

**6 SEC. 2. ENERGY PERFORMANCE REQUIREMENT FOR FED-**

**7 ERAL BUILDINGS.**

8       Section 543 of the National Energy Conservation  
9 Policy Act (42 U.S.C. 8253(a)) is amended—

1                   (1) by striking subsection (a) and inserting the  
 2                   following:

3                 “(a) ENERGY PERFORMANCE REQUIREMENT FOR  
 4 FEDERAL BUILDINGS.—

5                 “(1) REQUIREMENT.—Subject to paragraph  
 6 (2), each agency shall apply energy conservation  
 7 measures to, and shall improve the design for the  
 8 construction of, the Federal buildings of the agency  
 9 (including each industrial or laboratory facility) so  
 10 that the energy consumption per gross square foot  
 11 of the Federal buildings of the agency in fiscal years  
 12 2006 through 2020 is reduced, as compared with the  
 13 energy consumption per gross square foot of the  
 14 Federal buildings of the agency in fiscal year 2003,  
 15 by the percentage specified in the following table:

<b>“Fiscal Year</b>	<b>Percentage Reduction</b>
2006 .....	2
2007 .....	4
2008 .....	9
2009 .....	12
2010 .....	15
2011 .....	18
2012 .....	21
2013 .....	24
2014 .....	27
2015 .....	30
2016 .....	33
2017 .....	36
2018 .....	39
2019 .....	42
2020 .....	45.

16                 “(2) EXCLUSION FOR BUILDINGS WITH ENERGY  
 17 INTENSIVE ACTIVITIES.—

1                 “(A) IN GENERAL.—An agency may ex-  
2                 clude from the requirements of paragraph (1)  
3                 any building (including the associated energy  
4                 consumption and gross square footage) in which  
5                 energy intensive activities are carried out.

6                 “(B) REPORTS.—Each agency shall iden-  
7                 tify and list in each report made under section  
8                 548(a) the buildings designated by the agency  
9                 for exclusion under subparagraph (A).

10                 “(3) REVIEW.—Not later than December 31,  
11                 2016, the Secretary shall review the results of the  
12                 implementation of the energy performance require-  
13                 ments established under paragraph (1).

14                 “(4) SUBSEQUENT FISCAL YEARS.—The Sec-  
15                 retary may amend or set energy performance re-  
16                 quirements for Federal buildings for each of fiscal  
17                 years 2018 through 2025 by a rule that—

18                 “(A) includes cost-benefit analysis and an  
19                 opportunity for public comment;

20                 “(B) establishes levels that are technically  
21                 feasible and economically justifiable; and

22                 “(C) considers any energy- and water-sav-  
23                 ing measures identified in evaluations con-  
24                 ducted under subsection (f)(3).”; and

25                 (2) in subsection (f)—

- 1                             (A) in paragraph (1)—  
2                                 (i) by redesignating subparagraphs  
3                                 (E), (F), and (G) as subparagraphs (F),  
4                                 (G), and (H), respectively; and  
5                                 (ii) by inserting after subparagraph  
6                                 (D) the following:  
7                                 “(E) ONGOING COMMISSIONING.—The  
8                                 term ‘ongoing commissioning’ means an ongoing  
9                                 process of commissioning using monitored  
10                                 data, the primary goal of which is to ensure  
11                                 continuous optimum performance of a facility,  
12                                 in accordance with design or operating needs,  
13                                 over the useful life of the facility, while meeting  
14                                 facility occupancy requirements.”;  
15                                 (B) in paragraph (2), by adding at the end  
16                                 the following:  
17                                 “(C) ENERGY MANAGEMENT SYSTEM.—An  
18                                 energy manager designated under subparagraph  
19                                 (A) shall consider use of a system to manage  
20                                 energy use at the facility and certification of  
21                                 the facility in accordance with the International  
22                                 Organization for Standardization standard  
23                                 numbered 50001 and entitled ‘Energy Manage-  
24                                 ment Systems.’”;

(C) by striking paragraphs (3) and (4) and inserting the following:

“(3) ENERGY AND WATER EVALUATIONS AND  
COMMISSIONING.—

5                 “(A) EVALUATIONS.—Except as provided  
6                 in subparagraph (B), effective beginning on the  
7                 date that is 180 days after the date of enact-  
8                 ment of the All-Of-The-Above Federal Building  
9                 Energy Conservation Act of 2013, and annually  
10                 thereafter, each energy manager shall complete,  
11                 for each calendar year, a comprehensive energy  
12                 and water evaluation and recommissioning or  
13                 retrocommissioning for approximately 25 per-  
14                 cent of the facilities of each agency that meet  
15                 the criteria under paragraph (2)(B) in a man-  
16                 ner that ensures that an evaluation of each fa-  
17                 cility is completed at least once every 4 years.

18               “(B) EXCEPTIONS.—An evaluation and re-  
19               commissioning shall not be required under sub-  
20               paragraph (A) with respect to a facility that—

ing the 10-year period preceding the date of the evaluation; or

“(II) is under ongoing commissioning;

“(iii) has not had a major change in  
ction or use since the previous evalua-  
n and commissioning;

“(iv) has been benchmarked with public disclosure under paragraph (8) within the year preceding the evaluation; and

“(v)(I) based on the benchmarking, achieved at a facility level the most recent cumulative energy savings target under subsection (a) compared to the earlier of—

“(aa) the date of the most recent evaluation; or

“(bb) the date—

“(AA) of the most recent commissioning, recommissioning, or retrocommissioning; or

“(BB) on which ongoing commissioning began; or

“(II) has a long-term contract in place guaranteeing energy savings at least

1                   as great as the energy savings target under  
2                   subclause (I).

3                   “(4) IMPLEMENTATION OF IDENTIFIED ENERGY  
4                   AND WATER EFFICIENCY MEASURES.—

5                   “(A) IN GENERAL.—Not later than 2 years  
6                   after the date of completion of each evaluation  
7                   under paragraph (3), each energy manager  
8                   may—

9                         “(i) implement any energy- or water-  
10                   saving measure that the Federal agency  
11                   identified in the evaluation conducted  
12                   under paragraph (3) that is life-cycle cost  
13                   effective; and

14                         “(ii) bundle individual measures of  
15                   varying paybacks together into combined  
16                   projects.

17                   “(B) MEASURES NOT IMPLEMENTED.—  
18                   The energy manager shall, as part of the cer-  
19                   tification system under paragraph (7), explain  
20                   the reasons why any life-cycle cost effective  
21                   measures were not implemented under subpara-  
22                   graph (A) using guidelines developed by the  
23                   Secretary.”; and

24                   (D) in paragraph (7)(C), by adding at the  
25                   end the following:

1                         “(iii) SUMMARY REPORT.—The Sec-  
2                         retary shall make available a report that  
3                         summarizes the information tracked under  
4                         subparagraph (B)(i) by each agency and,  
5                         as applicable, by each type of measure.”.

6     **SEC. 3. FEDERAL BUILDING ENERGY EFFICIENCY PER-**  
7                         **FORMANCE STANDARDS; CERTIFICATION**  
8                         **SYSTEM AND LEVEL FOR GREEN BUILDINGS.**

9                         (a) DEFINITIONS.—Section 303 of the Energy Con-  
10    servation and Production Act (42 U.S.C. 6832) is amend-  
11    ed—

12                         (1) in paragraph (6), by striking “to be con-  
13    structed” and inserting “constructed or altered”;  
14    and

15                         (2) by adding at the end the following:

16                         “(17) MAJOR RENOVATION.—The term ‘major  
17    renovation’ means a modification of building energy  
18    systems sufficiently extensive that the whole building  
19    can meet energy standards for new buildings, based  
20    on criteria to be established by the Secretary  
21    through notice and comment rulemaking.”.

22                         (b) FEDERAL BUILDING EFFICIENCY STANDARDS.—  
23    Section 305 of the Energy Conservation and Production  
24    Act (42 U.S.C. 6834) is amended—

25                         (1) in subsection (a)(3)—

1                             (A) strike “(3)(A) Not later than” and all  
2                             that follows through subparagraph (B):

3                             “(3) REVISED FEDERAL BUILDING ENERGY EF-  
4                             FICIENCY PERFORMANCE STANDARDS; CERTIFI-  
5                             CATION FOR GREEN BUILDINGS.—

6                             “(A) REVISED FEDERAL BUILDING EN-  
7                             ERGY EFFICIENCY PERFORMANCE STAND-  
8                             ARDS.—

9                             “(i) IN GENERAL.—Not later than 1  
10                             year after the date of enactment of the All-  
11                             Of-The-Above Federal Building Energy  
12                             Conservation Act of 2013 and after the  
13                             date of approval of each subsequent revi-  
14                             sion of ASHRAE Standard 90.1 or the  
15                             International Energy Conservation Code,  
16                             as appropriate, the Secretary shall estab-  
17                             lish, by rule, revised Federal building en-  
18                             ergy efficiency performance standards that  
19                             require that—

20                             “(I) new Federal buildings and  
21                             alterations and additions to existing  
22                             Federal buildings—

23                             “(aa) meet or exceed the  
24                             most recent revision of the Inter-  
25                             national Energy Conservation

1 Code (in the case of residential  
2 buildings) or ASHRAE Standard  
3 90.1 (in the case of commercial  
4 buildings) that the Secretary de-  
5 termines saves energy compared  
6 to previous versions of the Code  
7 or Standard; and

16                             “(II) unless demonstrated not to  
17                             be life-cycle cost effective for new  
18                             Federal buildings and Federal build-  
19                             ings with major renovations—

“(aa) the buildings be designed to achieve energy consumption levels that are at least 30 percent below the levels established in the version of the ASHRAE Standard or the Inter-

1                   national Energy Conservation  
2                   Code, as appropriate, that is ap-  
3                   plied under clause (i); and

4                   “(bb) sustainable design  
5                   principles are applied to the  
6                   siting, design, and construction  
7                   of all new Federal buildings and  
8                   replacement Federal buildings;

9                   “(III) if water is used to achieve  
10                  energy efficiency, water conservation  
11                  technologies shall be applied to the ex-  
12                  tent that the technologies are life-  
13                  cycle cost effective; and

14                  “(IV) if life-cycle cost effective,  
15                  as compared to other reasonably avail-  
16                  able technologies, not less than 30  
17                  percent of the hot water demand for  
18                  each new Federal building or Federal  
19                  building undergoing a major renova-  
20                  tion be met through the installation  
21                  and use of solar hot water heaters.

22                  “(ii) LIMITATION.—Clause (i)(I) shall  
23                  not apply to unaltered portions of existing  
24                  Federal buildings and systems that have  
25                  been added to or altered.”;

(B) in subparagraph (C), by striking “(C)  
In the budget request” and inserting the fol-  
lowing:

4                           “(B) BUDGET REQUEST.—In the budget  
5                           request”; and

6 (C) in subparagraph (D)—

11                   “(C) CERTIFICATION FOR GREEN BUILD-  
12                   INGS.—

14 (ii) by striking clause (ii);

15 (iii) in clause (iii), by striking “(iii) In  
16 identifying” and insert the following:

17                                 “(ii) CONSIDERATIONS.—In identi-  
18                                 fying”;

19 (iv) in clause (iv) —

20 (I) by striking “(iv) At least  
21 once” and inserting the following:

“(iii) STUDY.—At least once”: and

23 (II) by striking “clause (iii)” and  
24 inserting “clause (ii)”;

25 (v) in clause (v)—

(I) by striking "(v) The Secretary may" and inserting the following:

(II) by striking “clause (i)(III)”  
each place it appears and inserting  
“clause (i);

9 (vi) in clause (vi)—

(I) by striking “(vi) With respect” and inserting the following:

12                                 “(v)  PRIVATIZED  MILITARY  HOUS-  
13                                 ING.—With respect”; and

25 In addition to" and inserting the following:

- 1                 “(vi) WATER CONSERVATION TECH-  
2                 NOLOGIES.—In addition to”; and  
3                 (2) by striking subsections (c) and (d).

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